

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**DAVID ALLEN TEBBETTS and
CYNTHIA INGRAM TEBBETTS,**

Plaintiffs,

v.

**BLUE CROSS BLUE SHIELD OF
ALABAMA; CARECORE
NATIONAL, LLC; and JANE
DOE 1-10,**

Defendants.

Case Number 2:07-cv-00925-MEF

**JOINDER IN BLUE CROSS AND BLUE SHIELD OF ALABAMA’S
MOTION FOR LEAVE TO FILE SURREPLY BRIEF**

COMES NOW defendant CareCore National, LLC (“CareCore”), and hereby joins in defendant Blue Cross and Blue Shield of Alabama’s Motion for Leave to File Surreply Brief. CareCore adopts and incorporates the arguments asserted by Blue Cross and Blue Shield of Alabama (“Blue Cross”), including the argument that the interests of justice weigh in favor of granting leave to file the surreply brief attached to Blue Cross’s motion, as plaintiffs make arguments in their Reply to Defendants’ Opposition to Plaintiffs’ Motion to Remand that were not raised in their original Motion to Remand. CareCore further adopts and incorporates the arguments set forth in Blue Cross’s Surreply to Plaintiffs’ Reply to Defendants’ Opposition to Plaintiff’s

Motion to Remand, including the arguments that this case is properly before this Court because plaintiffs' claims are preempted by ERISA since Ms. Tebbetts's employer established and maintained an employee welfare benefits plan for the benefit of its employees, and that remand is not in the interest of justice because Blue Cross's Notice of Removal complied with applicable federal procedural requirements.

WHEREFORE, THE PREMISES CONSIDERED, CareCore respectfully requests that this Court grant the Motion for Leave to File Surreply Brief and direct the clerk of court to file the brief accompanying Blue Cross's motion.

Respectfully submitted,

/s/ Rebecca C. Eubanks

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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